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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER	
KIM, JUNG W	

ART UNIT	PAPER NUMBER
2132	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/088,337	INOKUCHI ET AL.	
	Examiner	Art Unit	
	Jung W. Kim	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-75* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-75* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is responsive to the amendment filed on March 21, 2006.

2. Claims 1-75 are pending.

3. Claims 1. 6, 11, 18, 20, 33, 40, 44, 55 and 65 are amended.

4. The 112/2nd paragraph rejection to claims 1-10 as outlined in the previous Office action (mailed 12/9/05) is withdrawn as the amendment overcomes the 112/2nd paragraph rejection. However, in view of the amendment including the term "and/or," a new 112/2nd paragraph rejection is made to all the claims as outlined below.

Response to Arguments

5. In response to Applicant's argument that the amendment to the claims obviates the provisional nonstatutory obviousness-type double patenting rejections, Examiner respectfully disagrees. The new limitations, as representative in claim 1, "*detecting whether a user identification data server is connected to the data recorder and player*, enabling the data recorder and player to record or reproduce the main data to or from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data *a first number of times; and enabling the data recorder and player to record or reproduce the main data to or from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data and when the user identification data server is connected to the data recorder and player, a second number*

of times which is greater than the first number of times" is subject matter consistent with the limitations of the claims in application no. 10,088,336; in particular the limitation "detecting, when a recorder is going to record data to the recording medium, whether a terminal unit with a memory having user identification, information recorded therein is connected" as recited in representative claim 1 and the limitation: "when a player is going to play back the recording medium containing user identification information intended to identify the user, and data encrypted with the user identification information, causing the player to detect whether a terminal unit with a memory having the user identification information recorded therein is connected to the player ... judging whether the user identification information sent from the terminal unit is coincident with the user identification information read from the recording medium" as recited in representative claim 8 of application 10,088,336 covers the new limitations of the amended claims in the instant application. Hence, the provisional double patent rejection with application no. 10,088,336 is maintained.

6. In reply to Applicant's remarks that the prior art of record do not teach nor suggest the amended features of the claims, Examiner respectfully disagrees. In the case of the Mott prior art, the player is identified as being connected to a user identification data server when main data is downloaded from a library server on to the player and reproduced on the player when recording medium user identification data is coincident with the player identification. (14:10-14; 19:24-30) Moreover, this state of connectivity between the player and user identification data server is present each time the data is download from the library server, saved to the player and then reproduced.

(Mott, 11:25-14:54) Hence, the amended claims remain rejected under the prior art of record.

Claim Objections

7. Claim 3 is not listed in the amendment. Appropriate correction is required. The original claim 3 as listed in the preliminary amendment filed on 9/23/02 is depended on for this Office action.

Double Patenting

8. Claims 1, 3-5, 9, 10, 11, 13-25, 30-33, 37-39, 55, 63-65 and 73-75 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-58 of copending Application No. 10,088,336.

9. As per claims 1, 3-5, 9, 10, 11, 13-25, 30-33, 37-39, 55, 63-65 and 73-75, the limitations of these claims are found in claims 1-58 of copending application no. 10,088,336. In particular, the subject matter of claims 1, 3-5, 11, 13-15, 18-25, 37, 55, 65 and 73 are covered by the subject matter of claims 1-4, 8-12, 16-22 and 26-58 of copending application no. 10,088,336; and the subject matter of claims 9, 10, 16, 17, 30-33, 38, 39, 63, 64, 74 and 75 are covered by the subject matter of claims 5, 6, 13, 14, 23, 24 of copending application no. 10,088,336.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claim 1-75 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The meaning of the term "and/or" is not readily apparent. For the purpose of this Office action, "and/or" will be interpreted as "or", which includes both inclusive and exclusive combinations.

Claim Rejections - 35 USC § 102

12. Claims 1, 11, 18-24 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Mott et al. USPN 6,170,060. (hereinafter Mott)

13. As per claim 1, Mott discloses a method of recording and reproducing data to a recording medium, comprising the steps of:

a. comparing recording medium user identification data read from the recording medium upon which are recorded the user identification data along with main data with recorder and player user identification data read from a data recorder and player; detecting whether a user identification data server is connected to the data recorder and player; (col. 13:7-53)

b. enabling the data recorder and player to record or reproduce the main data to or from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data a first number of times; (14:10-14; 19:24-30) and

c. enabling the data recorder and player to record or reproduce the main data to or from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data and when the user identification data server is connected to the data recorder and player, a second number of times which is greater than the first number of times. (the enabling step proceeds each time the player records or plays content from the library server; the user identification data server is connected to the data player during this step; 11:25-14:54)

14. As per claim 11, it is a claim corresponding to claim 1, and it does not teach or define above the information claimed in claim 1. Therefore, claim 11 is rejected as being anticipated by Mott for the same reasons set forth in the rejection of claim 1.

15. As per claim 18, Mott discloses a recording-medium recorder, comprising:

d. a head operable to scan a recording medium upon which are stored recording medium user identification data along with main data; a memory in which are recorded memory user identification data; and a controller operable to compare the recording medium user identification data with the memory user

identification data and to control operations for playback of the recording medium based on a result of comparison and to detect whether a user identification data server is connected to the recording-medium recorder; (figs. 1 and 2; col. 13:7-53)

e. wherein the recording-medium recorder is operable to record the main data to the recording medium when the recording medium user identification data are coincident with the memory user identification data a first number of times, (14:10-14; 19:24-30) and

f. wherein the recording-medium recorder is operable to record the main data to the recording medium when the recording medium user identification data are coincident with the memory user identification data and when the user identification data server is connected to the data recorder and player, a second number of times which is greater than the first number of times. (the check for coincidence is made each time the player records or plays content from the library server; the user identification data server is connected to the data player during this check; 11:25-14:54)

16. As per claim 19, Mott further discloses when the recording medium user identification data are coincident with the memory user identification data the controller controls the head to record the main data to the recording medium (col. 19:18-30).

17. As per claim 20, Mott further discloses wherein the memory is provided in the user identification data server connected to a data recorder and player (col. 5:65-9:6; fig. 2, reference no. 250).

18. As per claim 21, Mott further discloses wherein the controller makes mutual authentication with the user identification data server when it is judged that the user identification data server is connected to the data recorder and player (col. 11:50-12:13).

19. As per claim 22, Mott further discloses wherein when the authentication is successful the controller instructs the user identification data server to read the memory user identification data (col. 12:8-11; 12:19-13:25).

20. As per claim 23, Mott further discloses wherein the memory user identification data are encrypted and sent from the user identification data server to the controller (col. 13:25-53; 14:24-49; 18:55-19:36).

21. As per claim 24, Mott further discloses wherein when the authentication is not successful the controller ceases recording to the recording medium (col. 12:4-6).

22. As per claim 33, it is a claim corresponding to claim 1, and it does not teach or define above the information claimed in claim 1. Therefore, claim 33 is rejected as being anticipated by Mott for the same reasons set forth in the rejection of claim 1.

Claim Rejections - 35 USC § 103

23. Claims 3-5, 13-15 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Boccon-Gibod et al. US Patent Application Publication No. 20010016836 (hereinafter Boccon-Gibod).

24. As per claim 3, the rejection of claim 1 under 35 USC 102(e) as being anticipated by Mott is incorporated herein. (supra) Mott does not disclose encrypting the main data with the recorder and the player user identification data being taken as an encryption key. Boccon-Gibod discloses a method and apparatus for securely distributing multimedia information wherein user information is used to generate an encryption key for the encryption of the multimedia information (pg. 4, paragraph 0039, fig. 7). This method of encrypting the information ensures that only a requesting user having the user information at hand will be able to decrypt and therefore access the multimedia information. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to encrypt the main data with user identification data. One would be motivated to do so to ensure that only those with the proper credentials have unobstructed access to the data (Boccon-Gibod, pg. 4, paragraph 0039, 3rd sentence). The aforementioned cover the limitations of claim 3.

25. As per claims 4 and 5, the rejection of claim 3 under 35 USC 103(a) as being unpatentable over Mott in view of Boccon-Gibod is incorporated herein. (supra) Mott further discloses encrypting and burying the recorder and player identification data in the main data. (a player id and group id is embedded in a digital information file of the main data, such that access to the scrambled main data is only allowed if the player id and group id of the playback device is coincident with the player id and group id embedded in the digital information file; further, a digital signature by means of a secure hash of the player id and group id is created to assure that these values are not manipulated; col. 18:37-19:35)

26. As per claim 13, it is a claim corresponding to claim 3, and it does not teach or define above the information claimed in claim 3. Therefore, claim 13 is rejected as being unpatentable over Mott in view of Boccon-Gibod for the same reasons set forth in the rejection of claim 3.

27. As per claims 14 and 15, they are claims corresponding to claims 4 and 5, and they do not teach or define above the information claimed in claims 4 and 5. Therefore, claims 14 and 15 are rejected as being unpatentable over Mott in view of Boccon-Gibod for the same reasons set forth in the rejections of claims 4 and 5.

28. As per claim 37, the rejection of claim 3 under 35 USC 103(a) is incorporated herein. (supra) In addition, Boccon-Gibod discloses transmitting the encryption key securely to the client and decrypting the encrypted files using the encryption key at the client (pg. 4, paragraph 0039; fig. 7). It would be obvious to one of ordinary skill in the art at the time the invention was made for the data to be encrypted with the user identification information and then decrypted to play back the data to ensure that only those who have subscribed to reproduce the data can reproduce the data (Boccon-Gibod, ibid). The aforementioned cover the limitations of claim 37.

29. Claims 9, 10, 16, 17, 38 and 39 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Yamakawa et al. USPN 6,738,877 (hereinafter Yamakawa '877).

30. As per claims 9 and 10, the rejection of claim 1 under 35 USC 102(e) as being anticipated by Mott is incorporated herein. (supra) Mott does not disclose the recorder and player user identification data includes a user name or that a user sets the identification data. Yamakawa '877 discloses including a user name in a recorder and player user identification and allowing the user to set the password to access the contents of a portable storage medium (figs. 4-12). User set identification enables security to stored data via user identification that the user will remember. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the recorder and player user identification data to include a user name and to allow

the user to set the identification data. One would be motivated to do so to enable security using a simple management of a password (Yamakawa '877, col. 1:55-62). The aforementioned cover the limitations of claims 9 and 10.

31. As per claims 16 and 17, they are claims corresponding to claims 9 and 10, and they do not teach or define above the information claimed in claims 9 and 10. Therefore, claims 16 and 17 are rejected as being unpatentable over Mott in view of Yamakawa '877 for the same reasons set forth in the rejections of claims 9 and 10.

32. As per claims 38 and 39, they are claims corresponding to claims 9, 10 and 33, and they do not teach or define above the information claimed in claims 9,10 and 33. Therefore, claims 38 and 39 are rejected as being unpatentable over Mott in view of Yamakawa '877 for the same reasons set forth in the rejections of claims 9, 10 and 33.

33. Claim 25 is rejected under 35 USC 103(a) as being unpatentable over Mott.

34. As per claim 25, the rejection of claim 21 under 35 USC 102(e) is incorporated herein. (supra) Furthermore, the step of prompting the user to connect user identification server to the data recorder and player when it is judged that the user identification data server is not connected to the data recorder and player is an obvious enhancement. Examiner takes Official Notice of this teaching. One would be motivated

to do so since it identifies the problem to the user to facilitate corrective action to be taken for proper operation. The aforementioned cover the limitations of claim 25.

35. Claims 2, 6-8, 12, 26, 34-36, 40, 41 and 44-49 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Imamura et al. USPN 6,453,369 (hereinafter Imamura '369)

36. As per claim 2, the rejection of claim 1 under 35 USC 102(e) as being anticipated by Mott is incorporated herein. (supra) Mott does not disclose further including management data to manage recordation to and reproduction from the recording medium; and the main data are recorded to and reproduced from the recording medium based on the management data read from the recording medium when the recording medium user identification data are not coincident with the recorder and player user identification data. However, the use of auxiliary checks to determine use conditions when the primary check condition is not valid is a common operation in the art. These additional checks enable flexibility in the manner information is accessed. For example, Imamura '369 discloses a method and system for access protection in a data storage device, wherein access to the data storage is enabled when the device identifier is the same as the device identifier on the medium, and when the device identifier is not coincident, a secondary check is made to determine if a security logical block address is designated (fig. 11). This allows portions of the memory to be designated as secure areas and other areas to remain unsecured (col. 8:45-60). Therefore, it would be

obvious to one of ordinary skill in the art at the time the invention was made for the apparatus to further record on the recording medium management data to manage recordation to and reproduction from the recording medium; and the main data recorded to and reproduced from the recording medium based on the management data read from the recording medium when the recording medium user identification data are not coincident with the recorder and player user identification data. One would be motivated to do so for greater flexibility in securing data (Imamura '369, col. 8:45-60). The aforementioned cover the limitations of claim 2.

37. As per claim 6, the rejection of claim 1 under 35 USC 102(e) as being anticipated by Mott is incorporated herein. (supra) In addition, Imamura '369 discloses that further recorded in the recording medium are management data to manage recordation to and reproduction from the recording medium; and the main data are reproduced from the recording medium based on the management data read from the recording medium when the recording medium user identification data are not coincident with the recorder and player user identification data (col. 8:45-9:45, especially 9:10-24).

38. As per claim 7, the rejection of claim 6 under 35 USC 103(a) as being anticipated by Mott is incorporated herein. (supra) In addition, Imamura '369 discloses the method further comprising the step of permitting the data reproduction from the recording medium when the recording medium user identification data are not coincident with the

recorder and player user identification data and the recording medium user identification data are specific identification data (col. 8:45-9:45, especially 9:10-24).

39. As per claim 8, the rejection of claim 7 under 35 USC 103(a) as being anticipated by Mott is incorporated herein. (supra) In addition, Imamura '369 discloses the specific identification data indicate that the recording medium is an original one (fig. 15, reference no. S905).

40. As per claim 12, it is a claim corresponding to claim 2, and it does not teach or define above the information claimed in claim 2. Therefore, claim 12 is rejected as being unpatentable over Mott in view of Imamura '369 for the same reasons set forth in the rejection of claim 2.

41. As per claim 26, the rejection of claim 19 under 35 USC 102(e) as being anticipated by Mott is incorporated herein. (supra) Mott does not disclose further including management data to manage recording to the recording medium, and wherein the controller records the main data to the recording medium based on the management data read from the recording medium when the recording medium user identification data are not coincident with the memory user identification data. However, the use of auxiliary checks to determine use conditions when the primary check condition is not valid is a common operation in the art. These additional checks enable flexibility in the manner information is accessed. For example, Imamura '369 discloses a method and

system for access protection in a data storage device, wherein access to the data storage is enabled when the device identifier is the same as the device identifier on the medium, and when the device identifier is not coincident, a secondary check is made to determine if a security logical block address is designated (fig. 11). This allows portions of the memory to be designated as secure areas and other areas to remain unsecured (col. 8:45-60). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the apparatus to further record on the recording medium management data to manage recording to the recording medium; and the controller records the main data to the recording medium based on the management data read from the recording medium when the recording medium user identification data are not coincident with the memory user identification data. One would be motivated to do so for greater flexibility in securing data (Imamura '369, col. 8:45-60). The aforementioned cover the limitations of claim 26.

42. As per claims 34-36, they are method claims corresponding to claims 2 and 6-8 and they do not teach or define above the information claimed in claims 2 and 6-8. Therefore, claims 33-36 are rejected as being unpatentable over Mott in view of Imamura '369 for the same reasons set forth in the rejections of claims 2 and 6-8.

43. As per claim 40, Mott discloses a recording-medium player, comprising:

g. a head operable to scan a recording medium upon which are recorded encrypted data as well as at least recording medium user identification data; a

memory in which are stored memory user identification data; and a controller operable to compare the recording medium user identification data with the memory user identification data and to control operations for playback of the recording medium based on a result of comparison and to detect whether a user identification data server is connected to the recording-medium player; (figs. 1 and 2; col. 7:10-64; 13:7-53)

h. wherein the recording-medium recorder is operable to record the main data to the recording medium when the recording medium user identification data are coincident with the memory user identification data a first number of times, (14:10-14; 19:24-30) and

i. wherein the recording-medium recorder is operable to record the main data to the recording medium when the recording medium user identification data are coincident with the memory user identification data and when the user identification data server is connected to the data recorder and player, a second number of times which is greater than the first number of times. (the check for coincidence is made each time the player records or plays content from the library server; the user identification data server is connected to the data player during this check; 11:25-14:54)

44. Mott does not disclose the recording medium including reproduction management data. However, the use of additional information to restrict reproduction of the data is a common feature in the art. This type of information enables flexibility in the way information is accessed and used. For example, Imamura '369 discloses a method

and system for access protection in a data storage device, wherein access to the data storage is enabled when the device identifier is the same as the device identifier on the medium, and also, a secondary check is made to determine if a security logical block address is designated (fig. 11). This secondary check allows portions of the memory to be designated as secure areas and other areas to be unsecured (col. 8:45-60). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include reproduction management data in the recording medium. One would be motivated to do so for greater flexibility in securing data (Imamura '369, col. 8:45-60). The aforementioned cover the limitations of claim 40.

45. As per claim 41, the rejection of claim 40 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 is incorporated herein. (supra) In addition, Mott further discloses wherein when the recording medium user identification data are coincident with the memory user identification data the controller allows the reproduction of the main data from the recording medium (col. 19:26-30).

46. As per claim 44, the rejection of claim 40 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 is incorporated herein. (supra) In addition, Mott further discloses wherein the memory is provided in the user identification data server connected to a data recorder and player (col. 5:65-9:6; fig. 2, reference no. 250).

47. As per claim 45, the rejection of claim 40 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 is incorporated herein. (supra) In addition, Mott further discloses wherein the controller makes mutual authentication with the user identification data server when it is judged that the user identification data server is connected to the data recorder and player (col. 11:50-12:13).

48. As per claim 46, the rejection of claim 45 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 is incorporated herein. (supra) In addition, Mott further discloses wherein when the authentication is successful the controller instructs the user identification data server to read the memory user identification data (col. 12:8-11; 12:19-13:25).

49. As per claim 47, the rejection of claim 46 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 is incorporated herein. (supra) In addition, Mott further discloses wherein the memory user identification data are encrypted and sent from the user identification data server (col. 13:25-53; 14:24-49; 18:55-19:36).

50. As per claim 48, the rejection of claim 45 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 is incorporated herein. (supra) In addition, Mott further discloses wherein when the authentication is not successful the controller ceases recording to the recording medium (col. 12:4-6).

51. As per claim 49, the rejection of claim 45 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 is incorporated herein. (supra) Furthermore, the step of prompting the user to connect user identification server to the data recorder and player when it is judged that the user identification data server is not connected to the data recorder and player is an obvious enhancement. Examiner takes Official Notice of this teaching. One would be motivated to do so since it identifies the problem to the user to facilitate corrective action to be taken for proper operation.

52. Claim 27-29, 42, 43, 50, 51, 55-59, 65-69 and 73 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369, and further in view of Boccon-Gibod.

53. As per claims 27-29, the rejection of claim 26 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 is incorporated herein. (supra) Mott further discloses when the recording medium user identification data are coincident with the memory user identification data, a header specifying descrambling information specific to the data recorder and player is established and the encrypted main data with the header is transferred to the data recorder and player (col. 13:25-53); wherein the memory user identification data are encrypted and buried in the header (18:55-19:36). However, neither Mott nor Imamura '369 disclose that the data is encrypted with the user identification information. Boccon-Gibod discloses a method and system for

securing stored music and video files by encrypting the files using an encryption key based on user information associated with the user licensing the file, transmitting the encryption key securely to the client and decrypting the encrypted files using the encryption key at the client (pg. 4, paragraph 0039; fig. 7). This arrangement ensures that only the particular user having a license to the file is allowed to decrypt the particular music/video file. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the data to be encrypted with the user identification information and then decrypted to play back the data to ensure that only those who have subscribed to reproduce the data can reproduce the data (Boccon-Gibod, ibid). The aforementioned cover the limitations of claims 27-29.

54. As per claim 42, the rejection of claim 41 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 is incorporated herein. (supra) Mott does not disclose encrypted data are recorded on the recording medium; and the main data read from the recording medium are decrypted using the recording medium user identification data as an encryption key when the recording medium user identification data are coincident with the recorder and player user identification data. Boccon-Gibod discloses a method and apparatus for securely distributing multimedia information wherein user information is used to generate an encryption key, the encryption key is used to encrypt the multimedia information, and wherein the encryption key is used to decrypt the encrypted multimedia information (pg. 4, paragraph 0039, fig. 7). This method of encrypting the information ensures that only a requesting user having the

user information at hand will be able to decrypt and therefore access the multimedia information. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for encrypted data to be recorded on the recording medium; and the main data read from the recording medium are decrypted using the recording medium user identification data as an encryption key when the recording medium user identification data are coincident with the recorder and player user identification data. One would be motivated to do so to ensure that only those with the proper credentials have unobstructed access to the data (Boccon-Gibod, pg. 4, paragraph 0039, 3rd sentence). The aforementioned cover the limitations of claim 42.

55. As per claim 43, the rejection of claim 42 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod is incorporated herein. (supra) Mott does not disclose when the recording medium user identification data cannot be detected the controller controls the operations for playback of the recording medium based on the reproduction management data read from the recording medium. However, the use of auxiliary checks to determine use conditions when the primary check condition is not valid is a common operation in the art. This additional check enables flexibility in the manner information is accessed. For example, Imamura '369 discloses a method and system for access protection in a data storage device, wherein access to the data storage is enabled when the device identifier is the same as the device identifier on the medium, and when the device identifier is not coincident, a secondary check is made to determine if a security logical block address is designated

(fig. 11). This allows portions of the memory to be designated as secure areas and others to be designed as unsecure areas (col. 8:45-60). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include the step of when the recording medium user identification data cannot be detected the controller controls the operations for playback of the recording medium based on the reproduction management data read from the recording medium. One would be motivated to do so for greater flexibility in securing data (Imamura '369, col. 8:45-60).

56. As per claim 50, the rejections of claims 42 and 43 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod are incorporated herein. (supra) In addition, Imamura '369 further discloses that when the recording medium user identification data are not coincident with the user identification data memory and the recording medium user identification data are a specific identification data the controller allows the reproduction of data from the recording medium (fig. 11, steps S506-S510).

57. As per claim 51, the rejections of claim 50 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod is incorporated herein. (supra) In addition, wherein the specific identification data indicate the recording medium is an original one (Mott, 14:24-54, Digital Signature Protocol).

58. As per claims 55-59, they are claims corresponding to claims 26-29, and they do not teach or define above the information claimed in claims 26-29. Therefore, claims 55-59 are rejected as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod for the same reasons set forth in the rejections of claims 26-29.

59. As per claims 65 and 66, they are claims corresponding to claims 55-59, and they do not teach or define above the information claimed in claims 55-59. Therefore, claims 65 and 66 are rejected as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod for the same reasons set forth in the rejections of claims 55-59.

60. As per claims 67-69 and 73, the rejections of claim 66 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod is incorporated herein. (supra) In addition, when the main data user identification data cannot be detected from the main data the operation of reproducing the main data is controlled based on the management data (see rejection of claim 66: the absence of user identification data implies the user identification data of the recorder and player is not coincident); when the main data user identification data are not coincident with the recorder and player user identification data and the main data user identification data are specific identification data the reproduction of the main data is allowed (Imamura '369, fig. 11, steps S506-S510); when the specific identification data indicate that the recording medium is an original one (Mott, 14:24-54, Digital Signature Protocol); and the main data include encrypted data and the main data user identification data are

decrypted using the main data user identification data when the main data user identification data are coincident with the recorder and player user identification data (Boccon-Gibod, pg. 4, paragraph 0039, fig. 7).

61. Claims 30-32 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Yamakawa '877.

62. As per claims 30-32, the rejection of claim 18 under 35 USC 102(e) as being anticipated by Mott is incorporated herein. (supra) Mott does not disclose the recorder and player user identification data includes a user name or that a user sets the identification data. Yamakawa '877 discloses including a user name in a recorder and player user identification and allowing the user to set the password to access the contents of a portable storage medium (figs. 4-12). User set identification enables security to stored data via user identification that the user will remember. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the recorder and player user identification data to include a user name and to allow the user to set the identification data. One would be motivated to do so to enable security using a simple management of a password (Yamakawa '877, col. 1:55-62). The aforementioned cover the limitations of claims 30-32.

63. Claims 52-54, 63, 64, 74 and 75 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod, and further in view of Yamakawa '877.

64. As per claims 52-54, the rejection of claim 50 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod is incorporated herein. (supra) Mott does not disclose the recorder and player user identification data includes a user name or that a user sets the identification data. Yamakawa '877 discloses including a user name in a recorder and player user identification and allowing the user to set the password to access the contents of a portable storage medium (figs. 4-12). User set identification enables security to stored data via user identification that the user will remember. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the recorder and player user identification data to include a user name and to allow the user to set the identification data. One would be motivated to do so to enable security using a simple management of a password (Yamakawa '877, col. 1:55-62). The aforementioned cover the limitations of claims 52-54.

65. As per claims 63 and 64, they are claims corresponding to claims 52-55, and they do not teach or define above the information claimed in claims 52-55. Therefore, claims 63 and 64 are rejected as being unpatentable over Mott in view of Imamura '369,

Boccon-Gibod and Yamakawa '877 for the same reasons set forth in the rejections of claims 52-55.

66. As per claims 74 and 75, they are claims corresponding to claims 63-65, and they do not teach or define above the information claimed in claims 63-65. Therefore, claims 74 and 75 are rejected as being unpatentable over Mott in view of Imamura '369, Boccon-Gibod and Yamakawa '877 for the same reasons set forth in the rejections of claims 63-65.

67. Claims 60-62 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod, and further in view of Hioki et al. USPN 6,681,105 (hereinafter Hioki).

68. As per claims 60-62, the rejections of claim 56 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod are incorporated herein. (supra) Mott does not disclose when the management data indicates that billing is required for copying the main data, it is judged whether the billing is possible and the copying is performed when a result of judgment indicates that the billing is possible, wherein the billing is such that a number of times that main data can be copied is decremented, wherein when it is judged that the billing is not possible and the number of times main data can be copied is not incremented, the copying operation is ceased. Hioki discloses a digital recording system wherein determination of whether or not main

data is to be billed is based on program information received; if pay is required then the billing requirement is displayed to the user (col. 9:60-10:10). This system is set up so that pay is required for each recording, wherein when the user pays for the recording, the recording is recorded based on the number of copy counts, and if the user refuses to pay for the recording, the recording is not recorded (10:16-29). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the method to further include the steps of when the management data indicates that billing is required for copying the main data, it is judged whether the billing is possible and the copying is performed when a result of judgment indicates that the billing is possible, wherein the billing is such that a number of times that main data can be copied is decremented, wherein when it is judged that the billing is not possible and the number of times main data can be copied is not incremented, the copying operation is ceased. One would be motivated to do so to restrict access to a recording based on a fee settlement (Hioki, ibid). The aforementioned cover the limitations of claims 60-62.

69. As per claims 70-72, they are claims corresponding to claims 60-62 and 66, and they do not teach or define above the information claimed in claims 60-62 and 66. Therefore, claims 70-72 are rejected as being unpatentable over Mott in view of Imamura '369, Boccon-Gibod and Hioki for the same reasons set forth in the rejections of claims 60-62 and 66.

Conclusion

70. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jung W Kim
Examiner
Art Unit 2132

April 13, 2006

GILBERTO BARRÓN JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100